

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: March 11, 2021
Time: 10:00 a.m.

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In re:

Chapter 13
Case No.: 21-40002-206

STEVE N MURRAY
aka Steve Nathan Murray aka Steve Murray

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, on the 11TH day of MARCH at 2021, at 10:00am, the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§ 521 & 1307(c), dismissing this case by reason of the debtor(s), material misrepresentations on the debtors schedules, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York
February 22, 2021

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
STEVE N MURRAY, Debtor(s)
CLOVER M. BARRETT, ESQ., Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

tmm1634

Chapter 13
Case No.: 21-40002-206

STEVE N MURRAY
aka Steve Nathan Murray aka Steve Murray

Debtor(s)

APPLICATION

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TO THE HONORABLE JIL MAZER-MARINO, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on January 4, 2021, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. The debtor(s) schedules indicate that he owns property and debtor has claimed a household exemption in the sum. However, at the 341 meeting, the debtor testified that he transferred the aforementioned property in 2020 to a corporation. This transfer in not included anywhere on the petition and the debtor is attempting to take a homestead exemption on property he no longer owns.
3. In addition, the debtor testified at the 341 meeting of creditors to having refinanced his property in 2017 and used the \$250,000.00 for business that has since been closed, with no assets. Neither this nor any other business entity which were the subject of the debtor's testimony were scheduled on the debtor's petition. There are a lot more misrepresentations, such as not listing many businesses in schedule B and statement of financial affairs.
5. These are material defaults and are prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee requests for an Order pursuant to the provisions of 11 U.S.C. §§ 521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
February 22, 2021

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

STATE OF NEW YORK)

COUNTY OF SUFFOLK) ss.:

SHAMUS MROTZEK, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On February 22, 2021 deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Steve N Murray
1468 Jefferson Avenue
Brooklyn, NY 11237
Debtor(s)

and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov

Clover M Barrett, Esq.
Clover Barrett & Associates, P.C.
Attorney for Debtor(s)
cbarrettpc@aol.com

WELLS FARGO BANK, N.A.
c/o Shapiro DiCaro & Barak LLC
mchatwin@logs.com
rgriswold@logs.com

/s/ *Shamus Mrotzek*
SHAMUS MROTZEK

Sworn to before me this
22nd day of FEBRUARY, 2021

/s/ *Janine M. Zarrilli*
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021